



Item No. 12-a.i

AGENDA ITEM MEMORADUM

Development Services

Department

Linda Connors

Town Planner

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> March 13, 2012	March 2, 2012

*Subject to Change

☐ Presentation ☐ Reports ☐ Consent ☒ **Ordinance**
☐ Resolution ☐ Quasi-Judicial ☐ Old Business ☐ New Business

☒ **FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY
TOPIC- IMPLEMENTATION OF PLANNING PRIORITIES**

SUBJECT TITLE: Proposed Amendments to B-I-A and B-1 Business Districts

EXPLANATION: The proposed Ordinance 2012-01 (**Exhibit 1**) amends Section 30-261 (B-1-A) and 30-271 (B-1) of the Code of Ordinances and was first scheduled on January 24, 2012, but due to special advertising requirements, we pulled the item to re-advertise and add Section 6.

The January 24th agenda memorandum (**Exhibit 2**) outlines the proposed amendments to the code as well as the actions taken by the Planning and Zoning Board.

RECOMMENDATION: Staff recommends approval of the attached Ordinance 2012-01 (**Exhibit 1**) and setting the second reading for March 27, 2012.

EXHIBITS: 1. Ordinance 2012-01 Amending Sections 30-261 and 30-271 of the Code of Ordinances.
2. January 24th Agenda Memorandum (without exhibits)

Reviewed by Town Attorney

☒ Yes ☐ No

Town Manager Initials CA

ORDINANCE 2012-01

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-155, "DEFINITIONS", TO PROVIDE CLARITY FOR BUSINESS DISTRICT USES; BY AMENDING SECTION 30-181, "ESTABLISHMENT OF ZONING DISTRICTS" TO IDENTIFY THE EXISTING B-1-A ZONING DISTRICT; BY AMENDING ARTICLE V, "ZONING", DIVISION 2, "DISTRICTS", TO PROVIDE BUSINESS DISTRICT REGULATION PURPOSES AND SUPPLEMENTAL REGULATIONS, MODIFY THE PERMITTED AND CONDITIONAL USES IN THE B-1-A AND B-1 DISTRICTS AND PROVIDE REGULATIONS FOR CONVENIENCE STORES AND FOR OUTSIDE SEATING AREAS FOR RESTAURANTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

1 **WHEREAS**, the Town Commission recognizes that changes to the adopted Code of
2 Ordinances are periodically necessary in order to ensure that the Town's land development
3 regulations are current and consistent with the Town's planning and regulatory needs; and

4 **WHEREAS**, the Town Commission desires to provide for additional definitions to assist
5 in the interpretation and implementation of the Unified Land Development Regulations; and

6 **WHEREAS**, the Town Commission desires to provide clarification of the purpose of the
7 Business Districts and to update the list of permitted and conditional uses and related regulations
8 in the B-1-A and B-1 zoning districts to reflect the current needs of the Town; and

WHEREAS, Section 30-531 of the Code requires issuance of a Notice of Intent prior to the processing of any amendment to the land development regulations in Chapter 30 of the Code, and such notice was given of this amendment on November 29, 2011; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on December 21, 2011, and provided a recommendation of approval of the amendments; and

WHEREAS, the Town Commission conducted a first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the Town Commission has determined that this Ordinance is consistent with the Town's Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:

SECTION 1. Recitals. The preceding "Whereas" clauses are ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2. Amendment. Chapter 30, Unified Land Development Regulations of the Code of Ordinances, Section 30-155, is hereby amended as follows¹:

Sec. 30-155. - Definitions.

For the purpose of this article, certain terms used herein are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural and words in the plural number include the singular number. The word "shall" is also [always] mandatory and not merely directory. The word "building" shall include the word "structure." The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be

¹ Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~.

32 used.

33 * * *

34 *Building.* Any structure, either temporary or permanent, having a roof, and used or built for the shelter or
 35 enclosure of persons, animals, chattels, or property of any kind, or for use and occupation for some
 36 purpose of trade or manufacture. This definition shall include tents, awnings, or vehicles situated on
 37 private property and serving in any way the function of a building.

38 *Business and Professional Employment Agency.* An agency that finds people to fill particular jobs or
 39 finds jobs for unemployed people and which may also provide personnel services or personnel for other
 40 businesses. The definition of Business and Professional Employment Agency does not include Labor
 41 Pools or Day Labor Hiring Centers in any form.

42 *Canopy.* Any fixed roof-like structure, not movable like an awning, and which is cantilevered in whole or
 43 in part self-supporting, but having no side walls or curtains other than valences not more than 18 inches
 44 deep. Structures having sidewalls or valences more than 18 inches deep shall be classified as tents or
 45 cabanas.

46 *Consignment Store.* A retail store in which new and like new personal items, such as clothes, jewelry,
 47 artifacts or small furniture and excluding appliances, are resold through a broker for the owner.

48 *Convenience Store.* A retail establishment with a maximum of twenty-five hundred (2,500)square feet of
 49 gross floor area that offers for sale prepared and/or prepackaged food or beverages, including beer and
 50 wine, for off-site consumption and may offer for sale automotive fuel, but offers no automotive repair.
 51 Other prepackaged goods including but not limited to, household items, automotive fluids and wiper
 52 blades, automotive cleaning supplies, oils, waxes and windshield fluids, newspapers and magazines may
 53 also be sold. A convenience store dispensing automotive fuel shall also be considered an automotive
 54 service station and shall be required to meet the requirements for that use. A retail establishment as
 55 described herein that is greater than twenty-five hundred (2,500)square feet of gross floor area and does
 56 not sell automotive fuel shall be considered a food store.

57 *Day Labor Hiring Center.* A place where employees or potential employees assemble to seek or accept
 58 employment off-site; a place where employers or potential employers visit to hire or to seek to hire
 59 employees for employment offsite.

60 *Food Store.* An establishment that sells food items and alcoholic beverages for off premises
 61 consumption, but shall not include a package store or a convenience store. The definition of food store
 62 shall include grocery store and supermarkets.

63 *Flea Market.* An occasional or periodic sales activity, held within a building, structure or outdoors where
 64 groups of individual sellers offer goods for sale to the public not to include private garage sales. Such
 65 sellers may set up temporary stalls or tables for the sale of their products. Such sales may involve new
 66 and/or used items including, but not limited to, household items, antiques, rare items, decorations, used
 67 books, used magazines, jewelry, clothing and/or a variety of merchandise and may also include the sale of
 68 fruits, vegetables and other edible items.

69 *Lot.* A parcel of land occupied or intended to be occupied by one principal building, and the accessory
 70 buildings or uses customarily incident to it, and including such open spaces and yards as are arranged and
 71 designed to be used in connection therewith.

72 * * *

Lot line, side. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side lot line.

Market. A retail establishment specializing in the sale of certain goods and products [i.e. a fish market]. The definition of market does not include flea market.

Motorized Scooter/Moped. The definition of motorized scooter and the definition of moped shall be as set forth in F.S. § 316.003.

Restaurant. Any establishment where facilities are provided for preparing and serving food to the public. At least 51 percent of total gross revenues must come from retail sale on the licensed premises of food and non-alcoholic beverages. Proceeds of catering sales shall not be included in the calculation of total gross revenues. Catering sales include food or non-alcoholic beverage sales prepared by the licensee on the licensed premises for service by the licensee outside the licensed premises. The tables must be of adequate size to accommodate the service of full course meals in accordance with the number of chairs or other seating facilities provided at the table. Sale of alcoholic beverages for off-premise consumption is not permitted.

Package Store. Vendors licensed to sell all alcoholic beverages, but in sealed containers only, and for consumption off the premises.

Setback. The distance between a street line or the base building line, and the front line or side line of any building or structure or any projection thereof, excluding projections or overhangs specifically permitted.

Sidewalk. shall mean that area, whether privately owned or a portion of the right-of-way, which is located between the curbline or the lateral line of a street and the adjacent building and which is intended for use by pedestrians.

* * *

SECTION 3. Amendment. Chapter 30, Unified Land Development Regulations of the Code of

Ordinances, Section 30-181, is hereby amended as follows:

Sec. 30-181. - Establishment of zoning districts.

(a) The incorporated areas of the Town of Lauderdale-By-The-Sea, Florida are hereby divided into zoning districts of number and character as necessary to achieve compatibility of uses within each district; to implement the adopted Town of Lauderdale-By-The-Sea Comprehensive Plan; and, to achieve the stated purpose and intent of this chapter.

(b) Zoning district designations. The land and water areas of the Town of Lauderdale-By-The-Sea are zoned in accord with zoning districts. These zoning districts are designated as follows:

R-5:	Motel
RS-4:	Residential single-family dwellings
RS-5:	Residential single-family dwellings
RD-10:	Residential two family dwellings

RM-25:	Residential multi-family dwellings
RM-50:	Residential multi-family dwellings
<u>B-1-A:</u>	<u>Business</u>
B-1:	Commercial
PUD:	Planned unit development
CF:	Community facility district
P:	Recreation and open space

SECTION 4. Amendment. Chapter 30, Unified Land Development Regulations of the Code of Ordinances, Article V, Zoning, Division 2, Districts, is hereby amended as follows:

* * *

SUBDIVISION G. – B-1-ABusiness Zoning District Regulations

Sec. 30-260.BUSINESS ZONING DISTRICTS

(a) List of districts:

1) B-1-A

2) B-1

(b) Purpose and Intent:

1. The B-1-A district is intended to meet the shopping and service needs of the Town residents and visitors. The B-1-A district limits certain uses which could have a detrimental effect on the local community if these uses were permitted to exist without certain standards being met. The B-1-A district is located primarily in the center of the Town's Business District.

2. The B-1 district is intended to provide for the location of commercial business establishments dependent upon high visibility. The B-1 district limits certain uses which could have a detrimental effect on abutting residential neighborhoods if these uses were permitted to exist without certain standards being met. The B-1 district is located primarily on Commercial Boulevard.

(c) Supplemental Regulations - Business Districts:

Sale of Alcoholic or Intoxicating Beverages: A permitted or conditional use in either the B-1-A or B-1 zoning district that sells any alcoholic or intoxicating beverages shall be subject to the regulations as set forth in Chapter 3, Alcoholic Beverages of the Town Code of Ordinances.

Sec. 30-261- B-1-A district—Business.

(a) Area affected.

135 The area to be affected by the provisions of this subdivision is Lots 50, 51, 52 and 53, fronting on
 136 Bougainvillea Drive and Lots 55, 56, 57 and 58, fronting on Poinciana Street, all in Block 28, Town of
 137 Lauderdale-By-The-Sea, according to the plat thereof as recorded in Plat Book 6, page 2, of the public
 138 records of Broward County, Florida.

139 (b) B-1-A uses permitted:

140 ~~(1) Definitions.~~

141 A. ~~"Restaurant," for the purposes of this subdivision, is any establishment where~~
 142 ~~facilities are provided for preparing and serving food to the public.~~

143 B. ~~For the purpose of this section, the definition of motorized scooter and the~~
 144 ~~definition of moped shall be as set forth in F.S. § 316.003.~~

145 (12) Permitted Uses. No building or premises shall be used and no building with the usual
 146 accessories shall be erected or altered other than a building or premises arranged,
 147 intended, or designed for any of the following uses, not to exceed 10,000 square feet in
 148 gross floor area:

149 A. Antiques store,

150 B. Art galleries,

151 C. Arts and crafts supply store,

152 D. Automobile rental or leasing agencies (no outdoor display),

153 E. Bait and tackle shop,

154 F. Bakery,

155 G. Bank

156 ~~G.H.~~ Beauty schools, barber shops and hair salons,

157 ~~H.I.~~ Bicycle rental shop with no outside storage,

158 ~~I.J.~~ Book store,

159 ~~J.K.~~ Business and professional employment agency,

160 K. ~~L.~~ Camera and photographic supply store,

161 ~~L.M.~~ Card and stationery store,

162 ~~M.N.~~ Catering businesses,

163 ~~N.O.~~ Church and place of worship,

164 ~~O.P.~~ Clothing store,

165 ~~P.Q.~~ Coin-operated dry cleaning and laundry and/or pickup station,

166 ~~Q.R.~~ Community theaters, dinner theaters and cultural centers,
167 ~~R.S.~~ Computer/software store,
168 ~~S.T.~~ Consignment store,
169 ~~T. Convenience store~~
170 U. Cooking schools,
171 V. Copy center,
172 W. Courier service,
173 X. Delicatessen,
174 Y. Dental laboratory,
175 Z. Drug store/pharmacy (no on-site prescription writing for controlled substances
176 identified in Schedule II, III, or IV in F.S. §§ 893.03, 893.035, or 893.0355),
177 AA. Fabric/needlework/yarn shop,
178 BB. Fishing pier,
179 CC. Florist shop,
180 DD. Formal wear sales and rental,
181 EE. Fruit and produce store,
182 FF. Furniture, and home furnishings,
183 GG. Gift shop,
184 HH. Government administration,
185 II. Grocery/food store/supermarket,
186 JJ. Hardware store,
187 KK. Health and fitness center,
188 LL. Household appliances store,
189 MM. Ice cream/yogurt store,
190 NN. Interior decorator,
191 OO. Jewelry store,
192 PP. Library branch,

193 QQ. Linen/bath/bedding store,
 194 RR. Luggage/handbag/leather goods store,
 195 SS. Mail/postage/fax service,
 196 TT. Marine parts and supplies store,
 197 UU. Market,
 198 VV. Massage therapist (licensed therapist to be on premises at all times of operation),
 199 WW. Meat and poultry store,
 200 XX. Medical supplies sales,
 201 YY. Motorized scooter sales or moped sales and rentals (indoor only, outdoor sales,
 202 storage or display prohibited),
 203 ZZ. Museum,
 204 AAA. Music/musical instrument store,
 205 BBB. Office building
 206 CCC. Optical store,
 207 DDD. Party supply store,
 208 ~~EEE. Personnel services,~~
 209 ~~FFF.~~EEE. Photographic studio,
 210 ~~GGG.~~FFF. Police and fire substation,
 211 ~~HHH.~~GGG. Retail electronic sales and repair,
 212 ~~HH.~~HHH. Restaurant, which may also include the following accessory uses:
 213 1). Sidewalk cafes which would be appurtenant to, and a part of, a
 214 restaurant, subject to the requirements of Chapter 17, Article VI Sidewalk Café.
 215 2) Outside seating for restaurants, on private property other than a sidewalk,
 216 that is accessory to the principal restaurant use and that is not regulated under Chapter 17,
 217 Article VI and subject to the regulations set forth in subsection (6), below.
 218 3) Walk-up windows for food and/or beverage service.
 219 ~~HH.~~III. Seafood store,
 220 ~~KKK.~~JJJ. Shoe sales and repair,

221 ~~LLL.KKK.~~Shop for marking articles sold at retail on the premises,
 222 ~~MMM.LLL.~~ Specialty shop,
 223 ~~NNN.MMM.~~Sporting goods store, including dive shops,
 224 ~~OOO.NNN.~~Studios for artists, photographers, musicians (including recording studios),
 225 and dance,
 226 ~~PPP.OOO.~~Sundries store,
 227 ~~QQQ.PPP.~~Tailor/dressmaking store, direct to the customer,
 228 ~~RRR.QQQ.~~Tapes/videos/music CD stores,
 229 ~~SSS.RRR.~~Tool rental (small tools and equipment, indoor display only),
 230 ~~TTT.SSS.~~Toy/game store,
 231 ~~UUU.TTT.~~Trade/business school,
 232 ~~VVV.UUU.~~Travel agency,
 233 ~~WWW.VVV.~~ Veterinarian or animal grooming with all activities enclosed within the
 234 building with no outside noise,
 235 ~~XXX.WWW.~~ Watch and jewelry repair, and
 236 ~~YYY.XXX.~~ Uses not listed. Any use not covered by the above list may be authorized in
 237 the B-1-A district by the Town Manager or designee only if the proposed use is similar to
 238 a listed use; otherwise, an amendment to this chapter is required. The Town Manager or
 239 designee shall consult with the Town Commission on any proposal to find that a use is
 240 similar, prior to authorizing such use in the B-1-A district.
 241 (23) Conditional uses. The following conditional uses may be permitted upon approval
 242 pursuant to the conditional use procedures of this Code:
 243 A. Bicycle taxi (no outside storage or display).
 244 B. Car wash/outdoor hand wash.
 245 C. Charter and sightseeing boat.
 246 D. Child and adult day-care centers.
 247 E. Convenience store, subject to the requirements as set forth in subsection 7, below.
 248 E. F. Drive-through services that are accessory to a primary use, provided that any
 249 approval of the drive-through use by the Town Commission shall specifically establish
 250 the location and traffic flow pattern of the drive-through.

- 251 F. G. Dry cleaner.
- 252 G.~~H.~~ "Paid Private Parking" on parcels with a primary use, excluding standalone parking
- 253 lots, in accordance with the following requirements:
- 254 i. During business operational hours, only non-required parking spaces may be
- 255 used as paid private parking.
- 256 ii. After business hours, required parking may also be used for paid private
- 257 parking.
- 258 ~~H. I.~~ Parking garage.
- 259 J. Permitted use that exceeds 10,000 square feet in gross floor area.
- 260 ~~I. K.~~ Pet store.
- 261 ~~J. L.~~ Pool supply store.
- 262 ~~K. Outside seating for restaurants, on private property, that is accessory to the primary use~~
- 263 ~~and that are not regulated under chapter 17, article VI.~~
- 264 ~~L. M.~~ Outside storage of propane tank cabinets for the storage, sale or rental of propane
- 265 tanks. ~~sold and rented at hardware stores and gas stations.~~
- 266 ~~M. N.~~ Water craft sales and rental (new or used).
- 267 ~~N. O.~~ Conditional uses not listed. Permission to apply for conditional uses not covered by
- 268 the above list in the B-1-A district may be granted by the Town Manager or designee
- 269 only if the proposed conditional use is similar to a listed conditional use; otherwise, an
- 270 amendment to this chapter is required. The Town Manager or designee shall consult with
- 271 the Town Commission on any proposal to determine that a conditional use is similar to
- 272 those listed, prior to authorizing the filing of an application to seek approval of that
- 273 conditional use in the B-1-A district. Approval of a Conditional Use shall also be subject
- 274 to the requirements for Conditional Use Review as set forth in Section 30-56 of the Town
- 275 Code.
- 276 (34) Height. No building shall be erected to a height greater than two stories on single 25-foot
- 277 lots, nor greater than three stories on 50-foot lots.
- 278 (45) Areas. No building which is used for residence purposes above the ground floor shall occupy
- 279 an area greater than 70 percent of the entire lot. The required lot area per apartment or kitchen
- 280 unit shall be 800 square feet. The required floor area for a kitchen unit shall be not less than 250
- 281 square feet minimum and the area for a hotel room with bath shall not be less than 200 square
- 282 feet. Buildings not used for residential purposes shall not occupy more than 90 percent of the lot
- 283 area.
- 284 (56) Design. Construction shall be limited to one building on B-1-A lots that are 50 feet or less in
- 285 width. All business buildings constructed in a business district shall be of C.B.S. construction and

shall be designed with every practical consideration for appearance, fire protection, health, light, air. All plans and specifications of the building shall be approved by the Town Building Inspector. The Building Inspector need not approve design and use of a building and may ask the Town staff, Planning and Zoning Board or the Board of Adjustment for an official opinion or decision thereon. Open fronts are specifically prohibited in B-1-A districts and there shall be a maximum opening of ten feet by ten feet for doorways in each business building.

(6) Outside seating for restaurants, on private property other than a sidewalk, that is accessory to the primary restaurant use may be permitted subject to the following regulations:

A. Permit required: It shall be unlawful for any person to provide outside seating for a restaurant on private property within the Town without first obtaining a permit from the Town. The location of an outside seating area for a restaurant shall be approved by the Town Manager or designee.

B. Permit fee: A permit fee shall be established by resolution of the Town Commission.

C. Permit application: Application for a permit to provide outside seating for a restaurant shall be made at the office of the Town Clerk. Such application shall include:

- 1) Name, address and telephone number of the applicant.
- 2) Name and address of business.
- 3) A copy of a valid Town of Lauderdale-By-The-Sea business tax receipt to operate a restaurant adjacent to the outside seating area which is the subject of the application.
- 4) An 8 1/2" X 11" drawing at a minimum scale of 1 inch equals 20 feet showing the following:
 - (a) The store front and all openings (doors, windows).
 - (b) The location and dimensions of the private property area being utilized for the outside seating area, including: structures located thereon; proposed location, dimension and number of tables, chairs, and umbrellas proposed within the outside seating area;
 - (c) Clear delineation of the boundary between private property and the public right-of-way;
 - (d) The location of tables and chairs complying with the Americans with Disabilities Act (ADA) standards.
- 5) When the outside seating is visible from a public right-of-way, the application shall also include:
 - (a) Photographs and/or manufacturer brochures fully describing the appearance of all proposed chairs, tables, umbrellas and other private features, including but not limited to lighting to be used in the proposed outside seating area.
 - (b) A trash management and maintenance plan for the outside seating area, which shall include a plan for pickup and disposal of any trash or food on or around the tables and chairs or sidewalk, and periodic pressure cleaning of the area used for outside seating. This plan shall ensure that the outside seating area is maintained

in a neat and orderly appearance at all times and the area shall be cleared of all debris on a periodic basis during the day and at the close of each business day to ensure a healthy and safe environment.

6) Written consent from the building owner for the proposed outside seating area.

7) In the event the outside seating area is proposed in front of an adjacent owner's property, the applicant must provide written consent from the adjacent property owner for use of this area.

8) Non-refundable application fee.

9) Applications shall be reviewed for compliance with the Town Code and may be approved by the Town Manager or designee.

10) The Town Manager or designee may deny an application that does not comply with this section. Such denials shall be written and shall provide the reasons for the denial. The applicant or any property owner whose property directly abuts the property which is the subject matter of the application may appeal the Town Manager or designee's decision to the Town Commission.

D. Location Requirements: The location of an outside seating area for a restaurant shall be subject to the following locational regulations:

1) An outside seating area shall only be permitted on private property that is:

- a. adjacent to a licensed restaurant business to which the permit is issued; or
- b. adjacent to another licensed business that is located within the same building as the licensed restaurant business to which a permit is issued.

2) Tables and chairs shall not be located within a ten-foot proximity of bus stops, taxi stands, fire hydrants, a pedestrian crosswalk, driveway or handicap ramp.

3) The Town Manager or designee may permit an exception to the distance requirement of subsection 2) from ten (10) feet to five (5) feet where established pedestrian and tram paths shall not be obstructed and where public safety shall not be adversely affected.

4) Markers approved by the Town Manager or designee shall be embedded into the property by the applicant to distinguish the approved boundaries of the outside seating area. This requirement may be waived by the Town Manager or designee if the proposed outside seating area is not on or adjacent to any private or public sidewalk, parking or other pedestrian area.

E. Additional Regulations for Outside Seating for a Restaurant:

1) The outside seating area shall be accessory to and under the same ownership or control as the primary restaurant which is operated within a permanently enclosed building located on the same or adjacent parcel.

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- 2) There shall be no use, operation, or playing of any musical instrument, loud-speaker, sound amplifier, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, or comfort of the neighboring inhabitants or at any time with louder volume than is otherwise regulated by Chapter 13 Noise, of the Town Code.
 - 3) Food preparation shall only occur in the fully enclosed area of the licensed primary restaurant.
 - 4) Hours of operation shall not exceed the hours of operation established for the principal licensed restaurant.
 - 5) All fabrics shall be fire-retardant, pressure-treated or manufactured of fire resistive material.
 - 6) No objects shall be permitted around the perimeter of the outside seating area that is occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the use of a sidewalk by the general public.
 - 7) Additionally, when the outside seating area is visible from a public right-of-way:
 - (a) No tables, chairs, or any other part of an outside seating area shall be permanently attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.
 - (b) Tables, chairs, umbrellas, canopies, awnings, and any other objects utilized as part of the outside seating area shall be of quality design, materials, size, elevation and workmanship both to ensure the safety and convenience of users, and to enhance the visual quality of the urban environment. Design, materials and colors shall be approved by the Town Manager or designee prior to the issuance of the permit to allow the outside seating area.
- F. Prior to issuance of a permit for an outside seating area, the Town Clerk shall certify that there are no outstanding fines, moneys, fees, taxes or other charges owed to the Town by the current or past owners or operators of the property requesting a permit for outside seating. A permit to allow outside seating will not be issued until all outstanding debts to the Town are paid in full.
- G. Any primary restaurant which obtains a permit to have outside seating as an accessory use to a primary restaurant, pursuant to Sec. 30-261 (1) and (6) may redesign the face of their establishment to allow for doors or panels that permit the establishment to have open sides allowing for an indoor/outside restaurant design. Any proposed alterations, modifications or changes to the building shall require the issuance of a building permit, compliance with the Town Code and payment in full of all applicable fees.
- (7) Convenience Store criteria: A convenience store may be permitted within the B-1-A zoning district only on property that is located west of State Road AIA and subject to the following regulations.
- (a) A convenience store shall have frontage on Commercial Boulevard;

- 431 (b) A convenience store may not be located within five hundred (500) feet of any other
 432 convenience store, as measured by airline measurement from the main entrance to the
 433 main entrance of each place of business; and
 434 (c) A convenience store shall also be subject to the requirements of F.S. 812.1701 as may be
 435 amended.

436 Sec. 30-262. - Setbacks.

437 (a) Front setback.

438 No building or any part thereof shall be erected on any lot closer than 25 feet to the front lot line.

439 (b) Rear setback.

440 No building or any part thereof shall be erected on any lot closer than ten feet from the rear lot line.

441 (c) Side setbacks.

442 No side setbacks are required.

443 (d) Roof cornices.

444 Roof cornices constructed of fire-resistive materials, if ten feet or more above the sidewalk, may project
 445 over the public street not more than three feet, but shall never be closer than two feet, measured from the
 446 curbline. The construction and anchorage of all such projections shall be subject to the approval of the
 447 Building Inspector and may be created only upon a permit issued by the Building Inspector.

448 (e) Exterior balconies.

449 Fixed exterior balconies shall be designed in accordance with the engineering section of the Town's
 450 building code, and shall be supported in an approved manner and the framework shall be of steel, iron,
 451 reinforced concrete or other incombustible material. Such exterior balconies shall be at least ten feet in
 452 the clear between the lowest point of any projection and the sidewalk immediately below, and shall
 453 extend not more than three feet from the building, but shall never be closer than two feet measured from
 454 the curbline. Exterior balconies shall not support any enclosure or structures with roof above.

455 Sec. 30-263. - Penalty for violation.

456 Any person, firm, partnership, corporation, association, or other organization, or any combination of any
 457 thereof, who shall violate or fail to comply with any of the provisions of this subdivision, shall, upon
 458 conviction, be fined by a fine not exceeding \$500.00, or imprisonment not exceeding 60 days, or both
 459 such fine and imprisonment. Each day's violation shall constitute a separate offense and shall subject each
 460 violator to be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding 60 days or by
 461 both such fine and imprisonment.

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463 SUBDIVISION H. — B-1 District Regulations

464 **Sec. 30-271. - B-1 district—Business.**

465 The following part of the town of Lauderdale-By-The-Sea is zoned as B-1 district: All of Blocks 5, 6, 13,
 466 14, 20, 21, east half of Block 19 and Lots 18 and 19 of Block 28, according to the plat thereof recorded in
 467 Plat Book 6, page 2, of the public records of Broward County. The following part of the platted area of
 468 Unit "A" of the inclusive subdivision known as Silver Shores is zoned as B-1 district: All of Blocks A, B,
 469 C, D, E, F, G, and Lot 1 of Block 2. The following part of the platted area of Unit "B" of the inclusive
 470 subdivision known as Silver Shores is zoned as B-1 district: All of blocks H, J, K, L, M and Lot 1 of
 471 Block 14, according to the plat thereof recorded in Plat Book 31, of the public records of Broward
 472 County.

473 (1) Permitted Uses. No building or premises shall be used and no building with the usual accessories
 474 shall be erected or altered other than a building or premises arranged, intended, or designed for
 475 any of the following uses, not to exceed 10,000 square feet in gross floor area:

- 476 A. Antiques store,
- 477 B. Art galleries,
- 478 C. Arts and crafts supply store,
- 479 D. Automobile rental or leasing agencies (no outdoor display),
- 480 E. Bait and tackle shop,
- 481 F. Bakery,
- 482 G. Bank
- 483 ~~G.H.~~ Beauty schools, barber shops and hair salons,
- 484 ~~H.I.~~ Bicycle rental shop with no outside storage,
- 485 ~~I.J.~~ Book store,
- 486 ~~J.K.~~ Business and professional employment agency,
- 487 ~~K.L.~~ Camera and photographic supply store,
- 488 ~~L.M.~~ Card and stationery store,
- 489 ~~M.N.~~ Catering businesses,
- 490 ~~N.O.~~ Church and place of worship,
- 491 ~~O.P.~~ Clothing store,
- 492 ~~P.Q.~~ Coin-operated dry cleaning and laundry and/or pickup station,
- 493 ~~Q.R.~~ Community theaters, dinner theaters and cultural centers,

494 R.~~S.~~ Computer/software store,
 495 S.~~T.~~ Consignment store,
 496 T.~~Convenience~~ store,
 497 U. Cooking schools,
 498 V. Copy center,
 499 W Courier service,
 500 X. Delicatessen,
 501 Y. Dental laboratory,
 502 Z. Drug store/pharmacy (no on-site prescription writing for controlled substances identified in
 503 Schedule II, III, or IV in F.S. §§ 893.03, 893.035, or 893.0355),
 504 AA. Fabric/needlework/yarn shop,
 505 BB. Fishing pier,
 506 CC. Florist shop,
 507 DD Formal wear sales and rental,
 508 EE. Fruit and produce store,
 509 FF. Furniture, and home furnishings,
 510 GG. Gift shop,
 511 HH. Government administration,
 512 II. Grocery/food store/supermarket,
 513 JJ. Hardware store,
 514 KK. Health and fitness center,
 515 LL. Household appliances store,
 516 MM. Ice cream/yogurt store,
 517 NN. Interior decorator,
 518 OO. Jewelry store,
 519 PP. Library branch,
 520 QQ. Linen/bath/bedding store,

521 RR. Luggage/handbag/leather goods store,
 522 SS. Mail/postage/fax service,
 523 TT. Marine parts and supplies store,
 524 UU. Market,
 525 VV. Massage therapist (licensed therapist to be on premises at all times of operation),
 526 WW. Meat and poultry store,
 527 XX. Medical supplies sales,
 528 YY. Motorized scooter sales or moped sales and rentals (indoor only, outdoor sales, storage or
 529 display prohibited),
 530 ZZ. Museum,
 531 AAA. Music/musical instrument store,
 532 BBB. Office building
 533 CCC. Optical store,
 534 DDD. Party supply store,
 535 ~~EEE. Personnel services,~~
 536 ~~FFF.EEE.~~ Photographic studio,
 537 ~~GGG.FFF.~~ Police and fire substation,
 538 ~~HHH.GGG.~~ Retail electronic sales and repair,
 539 ~~HH.HHH.~~ Restaurant, which may also include the following accessory uses:
 540 1). Sidewalk cafes which would be appurtenant to, and a part of, a restaurant, subject
 541 to the requirements of Chapter 17, Article VI Sidewalk Café.
 542 2) Outside seating for restaurants, on private property other than a sidewalk, that is
 543 accessory to the principal restaurant use and that is not regulated under Chapter 17, Article VI
 544 and subject to the regulations set forth in subsection (3), below.
 545 3) Walk-up windows for food and/or beverage service.
 546 ~~JJJ.III.~~ Seafood store,
 547 ~~KKK.JJJ.~~ Shoe sales and repair,
 548 ~~LLL.KKK.~~ Shop for marking articles sold at retail on the premises,

- 549 ~~MMM.LLL.~~ Specialty shop,
- 550 ~~NNN.MMM.~~ Sporting goods store, including dive shops,
- 551 ~~OOO.NNN.~~ Studios for artists, photographers, musicians (including recording studios), and
- 552 dance,
- 553 ~~PPP.OOO.~~ Sundries store,
- 554 ~~QQQ.PPP.~~ Tailor/dressmaking store, direct to the customer,
- 555 ~~RRR.QQQ.~~ Tapes/videos/music CD stores,
- 556 ~~SSS.RRR.~~ Tool rental (small tools and equipment, indoor display only),
- 557 ~~TTT.SSS.~~ Toy/game store,
- 558 ~~UUU.TTT.~~ Trade/business school,
- 559 ~~VVV.UUU.~~ Travel agency,
- 560 ~~WWW.VVV.~~ Veterinarian or animal grooming with all activities enclosed within the building
- 561 with no outside noise,
- 562 ~~XXX.WWW.~~ Watch and jewelry repair, and
- 563 ~~YYY.XXX.~~ Uses not listed. Any use not covered by the above list may be authorized in the B-
- 564 1 district by the Town Manager or designee only if the proposed use is similar to a listed use;
- 565 otherwise, an amendment to this chapter is required. The Town Manager or designee shall consult
- 566 with the Town Commission on any proposal to find that a use is similar, prior to authorizing such
- 567 use in the B-1 district.
- 568 ~~(b)(2)~~ Conditional Uses. The following conditional uses may be permitted upon approval pursuant to the
- 569 conditional use procedures of this Code:
- 570 ~~(1)~~A. Bicycle taxi (no outside storage or display).
- 571 ~~(2)~~B. Car wash/outdoor hand wash.
- 572 ~~(3)~~C. Charter and sightseeing boat.
- 573 ~~(4)~~D. Child and adult day-care centers.
- 574 E. Convenience store, subject to the requirements as set forth in subsection 4, below.
- 575 ~~(5)~~F. Drive-through services that are accessory to a primary use, provided that any approval of
- 576 the drive-through use by the Town Commission shall specifically establish the location and traffic
- 577 flow pattern of the drive-through.
- 578 ~~(6)~~G. Dry cleaner.

- 579 ~~(7)H.~~ Mixed use, in accordance with the requirements of subsection ~~(e)~~ (7).
- 580 ~~(8)I.~~ "Paid Private Parking" on parcels with a primary use, excluding standalone parking lots in
581 accordance with the following requirements:
- 582 i. During business operational hours, only non-required parking spaces, may be used as
583 paid private parking.
- 584 ii. After business hours, required parking may also be used for paid private parking.
- 585 ~~(9)J.~~ Parking garage.
- 586 K. Permitted use exceeding 10,000 square feet in gross floor area.
- 587 ~~(10)-L.~~ Pet store.
- 588 ~~(11)M.~~ Pool supply store.
- 589 ~~(12) Outside seating for restaurants, on private property, that is accessory to the primary use and~~
590 ~~that are not regulated under chapter 17, article VI.~~
- 591 ~~(13)N.~~ Outside storage of propane tank cabinets for the storage, sale or rental of propane tanks.
592 ~~sold and rented at hardware stores and gas stations.~~
- 593 ~~(14)O.~~ Water craft sales and rental (new or used).
- 594 ~~(15)P.~~ Conditional uses not listed. Permission to apply for conditional uses not covered by the
595 above list in the B-1 district may be granted by the Town Manager or designee only if the
596 proposed conditional use is similar to a listed conditional use; otherwise, an amendment to this
597 chapter is required. The Town Manager or designee shall consult with the Town Commission on
598 any proposal to determine that a conditional use is similar to those listed, prior to authorizing the
599 filing of an application to seek approval of that conditional use in the B-1 district. Approval of a
600 Conditional Use shall also be subject to the requirements for Conditional Use Review as set forth
601 in Section 30-56 of the Town Code.
- 602 (3) Outside seating for restaurants, on private property other than a sidewalk, that is accessory to the
603 primary restaurant use may be permitted subject to the following regulations:
- 604 A. Permit required: It shall be unlawful for any person to provide outside seating for a restaurant on
605 private property within the Town without first obtaining a permit from the Town. The location of
606 an outside seating area for a restaurant shall be approved by the Town Manager or designee.
- 607 B. Permit fee: The fee for a permit for outside seating for a restaurant shall be as established by
608 resolution of the Town Commission.
- 610 C. Permit application: Application for a permit to provide outside seating for a restaurant shall be
611 made at the office of the Town Clerk. Such application shall include:
- 612 1) Name, address and telephone number of the applicant.
613
614

- 2) Name and address of business.
 - 3) A copy of a valid Town of Lauderdale-By-The-Sea business tax receipt to operate a restaurant adjacent to the outside seating area which is the subject of the application.
 - 4) An 8 1/2" X 11" drawing at a minimum scale of 1 inch equals 20 feet showing the following:
 - (a) The store front and all openings (doors, windows).
 - (b) The location and dimensions of the private property area being utilized for the outside seating area, including: structures located thereon; proposed location, dimension and number of tables, chairs, and umbrellas proposed within the outside seating area;
 - (c) Clear delineation of the boundary between private property and the public right-of-way;
 - (d) The location of tables and chairs complying with the Americans with Disabilities Act (ADA) standards.
 - 5) When the outside seating area is visible from a public right-of-way, the application shall also include:
 - (a) Photographs and/or manufacturer brochures fully describing the appearance of all proposed chairs, tables, umbrellas and other private features, including but not limited to lighting to be used in the proposed outside seating area.
 - (b) A trash management and maintenance plan for the outside seating area, which shall include a plan for pickup and disposal of any trash or food on or around the tables and chairs or sidewalk, and periodic pressure cleaning of the area used for outside seating area. This plan shall ensure that the outside seating area is maintained in a neat and orderly appearance at all times and the area shall be cleared of all debris on a periodic basis during the day and at the close of each business day to ensure a healthy and safe environment.
 - 6) Written consent from the building owner for the proposed outside seating area.
 - 7) In the event the outside seating area is proposed in front of an adjacent owner's property, the applicant must provide written consent from the adjacent property owner for use of this area.
 - 8) Non-refundable application fee.
 - 9) Applications shall be reviewed for compliance with the Town Code and may be approved by the Town Manager or designee.
 - 10) The Town Manager or designee may deny an application that does not comply with this section. Such denials shall be written and shall provide the reasons for the denial. The applicant or any property owner whose property directly abuts the property which is the subject matter of the application may appeal the Town Manager or designee's decision to the Town Commission.
- D. Location Requirements: The location of an outside seating area for a restaurant shall be subject to the following locational regulations:
- 1) An outside seating area shall only be permitted on private property that is:
 - a. adjacent to a licensed restaurant business to which the permit is issued; or

- b. adjacent to another licensed business that is located within the same building as the licensed restaurant business to which a permit is issued.

- 2) Tables and chairs shall not be permitted within a ten-foot proximity of bus stops, taxi stands, fire hydrants, a pedestrian crosswalk, driveway or handicap ramp.
- 3) The Town Manager or designee may permit an exception to the distance requirement of subsection 2) from ten (10) feet to five (5) feet where established pedestrian and tram paths shall not be obstructed and where public safety shall not be adversely affected.
- 4) Markers approved by the Town Manager or designee shall be embedded into the property by the applicant to distinguish the approved boundaries of the outside seating area. This requirement may be waived by the Town Manager or designee if the proposed outside seating area is not on or adjacent to any private or public sidewalk, parking or other pedestrian area.

E. Additional Regulations for Outside Seating for a Restaurant:

- 1) The outside seating area shall be accessory to and under the same ownership or control as the primary restaurant which is operated within a permanently enclosed building located on the same or adjacent parcel.
- 2) There shall be no use, operation, or playing of any musical instrument, loud-speaker, sound amplifier, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, or comfort of the neighboring inhabitants or at any time with louder volume than is otherwise regulated by Chapter 13 Noise, of the Town Code.
- 3) Food preparation shall only occur in the fully enclosed area of the licensed primary restaurant.
- 4) Hours of operation shall not exceed the hours of operation established for the principal licensed restaurant.
- 5) All fabrics shall be fire-retardant, pressure-treated or manufactured of fire resistive material.
- 6) No objects shall be permitted around the perimeter of the outside seating area that is occupied by tables and chairs which would have the effect of forming a physical or visual barrier discouraging the use of a sidewalk by the general public.
- 7) Additionally, when the outside seating area is visible from a public right-of-way:
 - (a) No tables, chairs, or any other part of an outside seating area shall be permanently attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk within or near the permitted area.
 - (b) Tables, chairs, umbrellas, canopies, awnings, and any other objects utilized as part of the outside seating area shall be of quality design, materials, size, elevation and workmanship both to ensure the safety and convenience of users, and to enhance the visual quality of the urban environment. Design, materials and colors shall be approved by the Town Manager or designee prior to the issuance of the permit to allow the outside seating.

F. Prior to issuance of a permit for outside seating, the Town Clerk shall certify that there are no outstanding fines, moneys, fees, taxes or other charges owed to the Town by the current or past owners or operators of the property requesting a permit for outside seating. A permit to allow outside seating will not be issued until all outstanding debts to the Town are paid in full.

G. Any primary restaurant which obtains a permit to have outside seating as an accessory use to the primary restaurant, pursuant to Sec. 30-261 (1) and (6) may redesign the face of their establishment to allow for doors or panels that permit the establishment to have open sides allowing for an indoor/outside restaurant design. Any proposed alterations, modifications or changes to the building shall require the issuance of a building permit, compliance with the Town Code and payment in full of all applicable fees.

(4) Convenience Store criteria: A convenience store may be permitted within the B-1 zoning district only on property that is located west of State Road A1A and subject to the following regulations.

(a) A convenience store shall have frontage on Commercial Boulevard;

(b) A convenience store may not be located within five hundred (500) feet of any other convenience store, as measured by airline measurement from the main entrance to the main entrance of each place of business; and

(c) A convenience store shall also be subject to the requirements of F.S. 812.1701 as may be amended.

~~(e)(5)~~ Height. No building shall be erected to a height greater than two stories on single 25-foot lots nor greater than three stories on 50-foot lots.

~~(d)(6)~~ Areas. No building which is used for residence purposes above the ground floor shall occupy an area greater than 70 percent of the entire lot. The required lot area per apartment or kitchen unit shall be 800 square feet. The required floor area for a kitchen unit shall not be less than 250 square feet minimum and the area for a hotel room with bath shall not be less than 200 square feet. Buildings not used for residential purposes shall not occupy more than 90 percent of the lot area.

~~(e)(7)~~ Mixed use development. The following provisions govern applications for the conditional use of "mixed use," a vertical mix of neighborhood-serving B-1 uses and residential uses within the same building, in locations fronting on Commercial Boulevard and west of State Road A1A.

A. Purpose. The purpose of encouraging mixed use development on Commercial Boulevard is to:

(1) Accommodate mixed-use buildings with neighborhood-serving retail, service, and other commercial uses on the ground floor, and residential units above the nonresidential space;

(2) Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and

(3) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

B. Definitions. For purposes of this section, the following definitions shall apply.

(1) "Live/work units" means a type of mixed use development that combines non-residential uses in the same structure as a dwelling unit occupied by the business owner, which reduces trip generation, provides for affordable and diverse housing options in the Town, incubates new businesses and provides for the needs of unique businesses such as art galleries and studios.

- 757 (2) "Live/work space" means the residential dwelling unit and related non-residential uses
 758 conducted above the ground floor of a live/work unit.
- 759 (3) "Mixed-use building" means a building that contains at least one floor devoted to non-
 760 residential use and at least one devoted to allowed residential uses.
- 761 (4) "Non-residential use" means neighborhood-serving retail, service, commercial or other uses
 762 allowed in the B-1 zoning district, excluding residential uses.
- 763 (5) "Work/sales space" means the non-residential uses on the ground floor of a live/work unit.
- 764 C. Mixed use development on commercially designated parcels. The Town may approve a
 765 conditional use for mixed use development on B-1 zoned property when the property has a
 766 commercial land use designation in the Broward County Land Use Plan, if all of the following
 767 requirements are met:
- 768 (1) Approval is obtained of an allocation of available flexibility units, in accordance with section
 769 30-56(h), Flexibility rules;
- 770 (2) The number of units and floor area limitations of this section are satisfied for the residential
 771 uses;
- 772 (3) Non-residential uses, as defined herein, are limited to the floor(s) below the residential uses;
- 773 (4) The property fronts on Commercial Boulevard, and is located west of State Road A1A;
- 774 (5) A major site plan modification or a site plan approval is obtained; and
- 775 (6) A conditional use approval is obtained.
- 776 D. Permitted uses.
- 777 (1) On the ground floor:
- 778 (a) Work/sales space in a live/work unit.
- 779 (b) Non-residential use.
- 780 (2) Above the ground floor:
- 781 (a) Live/work space in a live/work unit.
- 782 (b) Dwelling units.
- 783 E. Limitations on residential uses.
- 784 (1) Maximum number of units. No mixed use development may be assigned more than ten
 785 percent of the flexibility units in its flexibility zone. If ten percent of the units is not a whole
 786 number, it shall be rounded up to the next whole number.
- 787 (2) Floor area. The residential floor area of the mixed use development does not exceed 50
 788 percent of the gross floor area of the building
- 789 F. Parking requirements. The total number of required off-street parking spaces for a mixed use
 790 development shall be equal to the sum of the required parking for each use as if provided
 791 separately. For live/work mixed use development, the total required parking will be equal to the
 792 parking required for the nonresidential use only. See sections 30-314 through [30-]324 regarding
 793 off-street parking.
- 794 G. Landscaping and open space requirements. Mixed use developments shall be required to meet the
 795 vehicular use area requirements as provided in Article VII, Landscape Code of Chapter 30,
 796 Unified Land Development Regulations, for the non-residential use only.
- 797 H. Town approvals required for mixed use development.
- 798 (1) Conditional use. A conditional use shall be obtained in accordance with the requirements of
 799 section 30-56. As part of the conditional use review, the Town Commission shall verify that
 800 section 30-56(h) Flexibility rules, has been satisfied for the allocation of flexibility units.

801 (2) Site plan. Either a major site plan modification shall be obtained in accordance with section
 802 30-54(m)(4), or a site plan approval shall be obtained pursuant to Article IV, Site Plan
 803 Procedures and Requirements of Chapter 30, Unified Land Development Regulations.

804 ~~(F)(8)~~Design. Construction shall be limited to one building on B-1 lots 50 feet or less in width. All
 805 business buildings constructed in a business district shall be of C.B.S. construction and shall be designed
 806 with every practical consideration for appearance, fire protection, health, light, air. All plans and
 807 specifications of the building shall be approved by the Town Building Inspector. The Building Inspector
 808 need not approve design and use of a building and may ask the Town staff, Planning and Zoning Board or
 809 the Board of Adjustment for an official opinion or decision thereon. Open fronts are specifically
 810 prohibited in B-1 districts and there shall be a maximum opening of ten feet by ten feet for doorways in
 811 each business building.

812 Sec. 30-272. - Setbacks.

813 (a) Front setback. Business buildings are not required to set back on the front except those erected on
 814 Ocean Drive (A1A) or Bougainvilla Drive which shall have the following setbacks: Ocean Drive (A1A),
 815 front setback of not less than 50 feet from the centerline of said thoroughfare; Bougainvilla Drive, front
 816 setback of 25 feet from property line.

817 (b) Side setback. Business buildings erected on Blocks 5, 6, 13, and 14 siding on El Mar Drive shall
 818 have a side setback of eight feet from the respective property lines of said thoroughfare; business
 819 buildings erected on Blocks 13, 14, 20 and 21 siding on Ocean Drive (A1A) shall have side setback of not
 820 less than 50 feet from the centerline of said thoroughfare. Otherwise, one-story business buildings require
 821 no side setback except where windows are required, in which case a setback of not less than five feet shall
 822 be made.

823 (c) Rear setback:

824 (1)No building or any part thereof shall be erected on any lot closer than ten feet from the rear lot line.

825 (2)No building or any part thereof shall be erected on any lot closer than 30 feet from the rear lot line in
 826 the following designated areas:

827 a. All of Block B except Lots 1, 2, 3, 12, 13, and 14 in Silver Shores Section of the Town of Lauderdale-
 828 By-The-Sea, Unit "A," according to the plat thereof, recorded in Plat Book 28, page 39, Public Records of
 829 Broward County, Florida. Lots 1, 2, 3, 12, 13, and 14 shall be required to comply with the rear setback
 830 described in (c)(1) herein.

831 b. All of Block E except Lots 1, 2, 3, 12, 13, and 14 of a subdivision of Track "D" of Silver Shores
 832 Section of the Town of Lauderdale-By-The-Sea, Unit "A," according to the plat thereof, recorded in Plat
 833 Book 29, page 21, Public Records of Broward County, Florida. Lots 1, 2, 3, 12, 13, and 14 shall be
 834 required to comply with the rear setback described in (c)(1) herein.

835 c. All of Blocks J and K except Lots 1, 2, 3, 12, 13, and 14 of Silver Shores Section of the Town of
 836 Lauderdale-By-The-Sea, Unit "B," according to the plat thereof, recorded in Plat Book 31, page 3, Public

837 Records of Broward County, Florida. Lots 1, 2, 3, 12, 13, and 14 shall be required to comply with the rear
838 setback described in (c)(1) herein.

839 d. Roof cornices. Roof cornices constructed of fire-resistive materials, if ten feet or more above the
840 sidewalk, may project over the public street not more than three feet, but shall never be closer than two
841 feet, measured from the curbline. The construction and anchorage of all such projections shall be subject
842 to the approval of the Building Inspector and may be erected only upon a permit issued by the Building
843 Inspector.

844 e. Exterior balconies. Fixed exterior balconies shall be designed in accordance with the engineering
845 section of the Town's building code, and shall be supported in an approved manner and the framework
846 shall be of steel, iron, reinforced concrete or other incombustible material. Such exterior balconies shall
847 be at least ten feet in the clear between the lowest point of any projection and the sidewalk immediately
848 below, and shall extend not more than three feet from the building, but shall never be closer than two feet
849 measured from the curbline. Exterior balconies shall not support any enclosure or structures with roof
850 above.

851 Sec. 30-273. - Seagrape Drive to West Tradewinds only; general provisions.

852 (a) All one-story construction to be used for business and office use only.

853 (b) All construction which shall extend to a permitted two-story level use shall provide front and rear
854 entrances.

855 (c) There shall be a uniform canopy on all construction which shall be erected ten feet in height from
856 sidewalk level and extend out six feet from the front of the building and be three inches in thickness.

857 (d) Sidewalks shall be constructed to conform to the cross-section and grade shown by the attached plan
858 prepared by the Office of John O. Brendia, entitled "Sidewalk Plan for Commercial Blvd., Lauderdale-
859 By-The-Sea, Florida," dated June 2, 1958. The finish floor elevation of each abutting building and the
860 materials and construction procedure to be used in the installation of the sidewalks shall be as shown on
861 said plan.

862 (e) Each structure shall have its own sustaining walls; party walls shall be prohibited.

863 (f) Advertising signs shall be permitted as follows: In front of buildings not larger than two feet in height.
864 All signs shall be kept in good condition, neat appearance and good state of repair.

865 (g) There shall be a ten-foot setback from the rear property line required on each of the lots in B-1 zoned
866 districts, permitting rear entrance to construction on said lots. Said ten feet shall be blacktopped excepting
867 necessary area for septic tank and shall be so graded and drained as to dispose of all surface water
868 accumulation within the parking area.

869 (h) All construction on corner lots and Seagrape Drive, East Tradewinds or West Tradewinds, and facing
870 east or west, must include a finished storefront architecture on the side of the building facing Commercial
871 Boulevard on the north or south side, as the case may be, dependent upon which side of Commercial
872 Boulevard the construction is planned. This requirements is intended to eliminate any solid wall frontage
873 facing the b

873 SUBDIVISION H. - Reserved.

874

875 **SECTION 5. Severability.** If any section, sentence, clause or phrase of this Ordinance is
876 held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall in
877 no way affect the validity of the remaining portions of this Ordinance.

878 **SECTION 6. Prior Acts.** This Ordinance ratifies Sections 30-261 and 30-271 and any
879 prior versions of these provisions, however numbered, of the Unified Land Development
880 Regulations of the Code of Ordinances, and any actions the Town has taken subsequent to March
881 27, 2007 pursuant to such sections.

882 **SECTION 7. Conflicts.** All ordinances or parts of Ordinances and all Resolutions or
883 parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.

884 **SECTION 8. Codification.** This Ordinance shall be codified.

885 **SECTION 9. Effective Date.** This Ordinance shall become effective immediately upon
886 adoption on second reading.

887 **SECTION 10. Adoption.** Passed on the first reading, this ____ day of _____, 2012.

888 Passed and adopted on the second reading, this ____ day of _____, 2012.

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Mayor Roseann Minnet

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Mayor Minnet
Vice-Mayor Dodd
Commissioner Clottey
Commissioner Sasser
Commissioner Vincent

First Reading Second Reading

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_____	_____

Attest:

Town Clerk, June White, CMC

(CORPORATE SEAL)

Approved as to form:

Susan L. Trevarthen, Town Attorney

**AGENDA ITEM MEMORADUM****Development Services**

Department

Linda Connors

Town Planner

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> Jan 24, 2012	Jan 13

*Subject to Change

- | | | | |
|---------------------------------------|---|---------------------------------------|---|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

☒ **FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY
TOPIC- IMPLEMENTATION OF PLANNING PRIORITIES**

SUBJECT TITLE: PROPOSED AMENDMENTS TO SECTIONS 30-261, "B-1-A DISTRICT - BUSINESS" AND 30-271, "B-1 DISTRICT - BUSINESS"

EXPLANATION: In April 2011, the Town adopted several changes to the B-1-A and B-1 zoning districts that expanded the permitted and conditional uses within each respective district. The JC Consulting study of our Charter, relevant planning documents, and our Code subsequently identified the need to clarify and amend the B-1-A and B-1 regulations to be consistent with the Town's Comprehensive Plan. The attached proposed B-1-A and B-1 amendments accomplish that.

The proposed amendments provide descriptions of purpose and intent; provide improved and additional definitions; add supplemental regulations; add permitted uses; include additional accessory uses to restaurants; change convenience stores from a permitted use to a conditional use and include criteria for their approval; modify provisions for outside storage of propane tanks; and provide that uses greater than 10,000 square feet must be considered as a conditional use to give the Commission a level of review for such big projects and help preserve the character of the Town.

At its December meeting, the Planning and Zoning Board reviewed the proposed amendments and voted to recommend the proposed amendments (5-0) with the following comments:

- 1) Review the definitions related to personnel service and combine into one definition;

Staff response: *We have combined the proposed definitions of Personnel Services and Business and Professional employment agency in the ordinance.*

- 2) Review current outdoor dining restrictions and make criteria less subject to staff review.

Staff response: *Changed the requirement to provide photographs and/or manufacturer brochures for staff review only if the outside seating is visible from a public right-of-way. (In the original proposed language, they would have to provide that information regardless of where the seating is located.)* Aside from that change, we believe the level of staff review is appropriate as it is consistent with the reviews staff must make for sidewalk café applications.

In addition to the revisions implementing the Planning and Zoning Board comments, we have made further changes based on the Town Attorney's input. We improved the current definition of restaurant which then eliminated the need to define a restaurant bar; added language to ensure outdoor dining is contiguous to the restaurant to which it is a conditional use to be consistent with our intent; and clarified language throughout the document (basically word-smithing).



RECOMMENDATION: Staff recommends approval of the attached Ordinance.

EXHIBITS: Exhibit 1 – Planning and Zoning Board Staff Report (w/o attachments)
Exhibit 2 – Planning and Zoning Board Minutes
Exhibit 3 – Draft Ordinance Amending Sections 30-261 and 30-271

Reviewed by Town Attorney
☒ Yes ☐ No

Town Manager Initials *JS*

SUN SENTINEL

Published Daily

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STATE OF FLORIDA

COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

Before the undersigned authority personally appeared Sharon Kamman who on oath says that he/she is a duly authorized representative of the Classified Department of the Sun-Sentinel, daily newspaper published in Broward/Palm Beach/Miami-Dade County, Florida, that the attached copy of advertisement, being, a NOTICE OF PUBLIC HEARING in the matter of CITY OF LAUDERDALE BY THE SEA appeared in the paper on MARCH 3, 2012 AD ID 2588493. Affiant further says that the said Sun-Sentinel is a newspaper published in said Broward/Palm Beach/ Miami-Dade County, Florida, and that the said newspaper has heretofore been continuously published in said Broward/Palm Beach/Miami-Dade County, Florida, each day, and has entered as second class matter at the post office in Fort Lauderdale, in said Broward County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant says that he/she has neither paid, nor promised, any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

Sharon Kamman
Sharon Kamman, Affiant

Sworn to and subscribed before me on 6, MARCH, 2012 A.D.

Christine Ruffolo

(Signature of Notary Public)



(Name of Notary typed, printed or stamped)

Personally Known X or Produced Identification _____

NOTICE OF PUBLIC HEARING TOWN OF

LAUDERDALE BY THE SEA, FLORIDA

The Town of Lauderdale-By-The-Sea will hold a Public Hearing on Tuesday, March 13, 2012 at 7:00 p.m., or as soon thereafter as possible, in Jarvis Hall, 4505 Ocean Drive, Lauderdale-By-The-Sea, Florida to consider the following ordinances:

ORDINANCE 2012-01

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-155, "DEFINITIONS", TO PROVIDE CLARITY FOR BUSINESS DISTRICT USES; BY AMENDING SECTION 30-181, "ESTABLISHMENT OF ZONING DISTRICTS" TO IDENTIFY THE EXISTING B-1-A ZONING DISTRICT; BY AMENDING ARTICLE V, "ZONING", DIVISION 2, "DISTRICTS", TO PROVIDE BUSINESS DISTRICT REGULATION PURPOSES AND SUPPLEMENTAL REGULATIONS, MODIFY THE PERMITTED AND CONDITIONAL USES IN THE B-1-A AND B-1 DISTRICTS AND PROVIDE REGULATIONS FOR CONVENIENCE STORES AND FOR OUTSIDE SEATING AREAS FOR RESTAURANTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

ORDINANCE 2012-06

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE V. ZONING, SECTION 30-241, RM-25 DISTRICT - APARTMENTS TO PROVIDE CLARIFYING LANGUAGE AND CONDITIONAL USE REVIEWS FOR CURRENTLY PERMITTED USES; ARTICLE V. ZONING, SECTION 30-20, GENERAL PROVISIONS TO REVISE DEFINITIONS TO PROVIDE CLARITY AND DELETE UNUSED DEFINITIONS; AMENDING ARTICLE V. ZONING, SECTION 30-318, MINIMUM PARKING REQUIREMENTS, TO PROVIDE A LIMITED PARKING EXEMPTION IN EXCHANGE FOR BICYCLE FACILITIES FOR HOTEL/MOTEL USES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

All interested parties may appear at said meeting and be heard with respect to the proposed ordinances. Copies of the proposed ordinances are available for inspection in the Town Clerk's Office located at 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida, during regular business hours.

If any person decides to appeal any decision made with respect to any matter considered at these public meetings or hearings, he/she will need a record of the proceedings and for such purposes may need to insure that a verbatim recording of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, persons with disabilities needing special accommodations to participate in these proceedings should contact the Town Clerk no later than two days prior to the meeting at (954) 640-4200 for assistance.
June White, Town Clerk